



June 6, 2024

Lex Smith, Esq.  
Kobayashi Sugita & Goda  
999 Bishop Street, Suite 2600  
Honolulu, Hawaii 96813

Re: Department of Hawaiian Home Lands;  
License No. 372 to Waimana Enterprises, Incorporated;  
Sandwich Isles Communications – Regulatory Compliance

Dear Mr. Smith:

On behalf of the Department of Hawaiian Home Lands, we are responding to Mr. Al Hee's emailed correspondence to DHHL Chairman Kali Watson which attached letters to the FCC and the PUC.

By letter dated June 3, 2024 the FCC informed Mr. Hee and Sandwich Isles Communications, Inc. that SIC's planned disconnection of service constitutes a violation of applicable Federal law, including 47 U.S.C. § 214(a). Further, the FCC reiterated SIC's obligation to complete wireline-to-wireline and simple intermodal ports within "one business day". The FCC informed Sandwich Isles that it must immediately cease and desist any unlawful discontinuance activity and come into compliance with federal law, particularly as it relates to consumer safeguards. A copy of the FCC's letter is attached.

Similarly, the PUC's "Notice of Violation and Order to Show Cause" filed in Docket No. 2024-0164 notifies SIC that its abrupt termination notices do not comply with, and violate, State law, including HAR § 6-80-123 and HAR § 6-80-129. A copy is attached. As a result, SIC has been ordered to comply with its duties and obligations and to not terminate service but to instead "[c]ontinue to provide service to its Customers so that there is no disruption in service". This should not have come as a surprise to Mr. Hee or SIC. The PUC has been trying to engage with SIC since at least 2022 when it opened an investigative docket to inquire into whether SIC was "fit, willing and able to provide reliable and affordable service". The PUC noted in its order of July 18, 2023 that SIC refused to work collaboratively with it to address concerns or identify solutions.

Because of SIC's stated intention to discontinue services on two-days' notice without Federal or State regulatory approval, the Governor issued an Emergency Proclamation on May 31, 2024. A copy is attached. The Emergency Proclamation ordered entities providing telecommunications services to preserve their respective "facilities, infrastructure, networks, systems, records, devices, information and property to prevent any disruption or interruption of telecommunication and broadband services." Further, the Proclamation orders that "[a]ny person who intentionally, knowingly, or recklessly destroys, dismantles, removes, impairs, uninstalls, or damages critical telecommunication and broadband

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infrastructure facilities, networks, systems, records, devices, property, and information required to continue providing telecommunications services, or directs the same, shall be guilty of a misdemeanor and upon conviction, the person shall be fined no more than \$2,000, imprisoned no more than one year, or both."

Under License No. 372, SIC is, among other things, required to "comply with all laws, ordinances, rules and regulations of the Federal, State, County or municipal governments" (License No. 372, § 18). The Department therefore urges Mr. Hee, SIC and its affiliates to comply with applicable Federal and State law and to specifically comply with the FCC's letter of June 3, the PUC's Notice of Violation and Order to Show Cause, and the Emergency Proclamation.

Very truly yours,

ASHFORD + WRISTON  
A Limited Liability Law Partnership LLP

By   
Kevin W. Herring

Enclosures

cc: Hon. Kali Watson (w/enclosures)  
Craig Iha, Esq. (w/enclosures)